



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982

Please Note: *Effective September 1, 2003, the street address is 29 Hazen Drive*



Town of Stratford  
Attn: Mr. Lewis Ruch, Chairman  
Selectmen's Office  
P.O. Box 366  
North Stratford, NH 03590-0366

**ADMINISTRATIVE ORDER  
BY CONSENT  
No. WD 04-007**

Re: Stratford Village and Mill House  
Wastewater Treatment Facilities

**A. INTRODUCTION**

This Administrative Order by Consent is issued by the Department of Environmental Services, Water Division to, and with the consent of, the Town of Stratford, pursuant to RSA 485-A:22. This Administrative Order by Consent is effective upon signature by both parties.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, with its principal office at 29 Hazen Drive, Concord, NH.
2. The Town of Stratford ("the Town") is a duly constituted municipality of the State of New Hampshire having a mailing address of P.O. Box 366, North Stratford, NH 03590-0366.

**C. STATEMENTS OF FACTS AND LAW**

1. Pursuant to RSA 485-A:8 and RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters and has developed a permit system. As part of this program, the Commissioner of DES adopted Env-Ws 401-405 relating to Surface Water Discharge Permits and adopted Env-Ws 1700 establishing Surface Water Quality Regulations for the state's surface waters.
2. The Town owns and operates two wastewater treatment facilities. The first is located off River Street, North Stratford, NH (hereinafter "Village WWTF"). The second facility is located at Stratford Mill House, on Route 3, North Stratford, NH (hereinafter "Mill House WWTF").
3. Operation of the Village and Mill House WWTFs is permitted under the terms of federal National Pollutant Discharge Elimination System ("NPDES") permit numbers NH0100536, as modified, and NH0101214, respectively, issued by the United States Environmental Protection Agency ("USEPA") to the Town on April 12, 2000, and April 9, 2000, respectively. These NPDES permits were adopted as State discharge permits under RSA 485-A:13, I (a) and New Hampshire Administrative Rules Env-Ws 401 and 402. The federal and state permits are collectively referred to hereinafter as the "NPDES Permits".

4. The NPDES Permits authorize the Town to discharge treated wastewater from the Village and Mill House WWTFs to the Connecticut River, subject to specified effluent limitations, monitoring requirements, and other conditions.
5. Pursuant to Chapter 311 , XLI, Laws of 1967, the Connecticut River is classified as a Class B water.
6. Pursuant to Env-Ws 405.02 (e) copies of the USEPA Discharge Monitoring Reports ("DMRs") shall be postmarked and sent to DES by the fifteenth day of the following month for each reporting month as required by the NPDES Permits.
7. For the monitoring period January 2002 through December 2002, the Town submitted DMRs for the Village WWTF postmarked beyond the fifteen days limit for seven reporting periods.
8. For the monitoring period January 2002 through December 2002, the Town submitted DMRs for the Mill House WWTF postmarked beyond the fifteen days limit for seven reporting periods.
9. The NPDES Permits require that the DMRs and bench sheets contain accurate information. EPA mails out DMR reporting instructions each year with the DMRs for the reporting year. The DMR reporting instructions explain in detail the proper calculations and methods of reporting data on the DMR.
10. DES reviewed the bench sheets and Monthly Operations Reports ("MORs") for both WWTFs for the period January 2000 through January 2003.
11. For the monitoring period January 2000 through January 2003, numerous calculation, transcription and reporting errors are noted on DMRs, bench sheets, and MORs submitted for the Village and Mill House WWTFs. For the Village WWTF, DES has sent edited DMRs back to the Town for correction and resubmission every month from November 2001 through October 2003 except for October 2002, November 2002 and February 2003. For the Mill House WWTF, DES has sent edited DMRs back to the Town for correction and resubmission every month from November 2001 through October 2003 except for February 2002 and February 2003. The MORs summarize monitoring data required under Part II, Section C of the NPDES Permits and pursuant to Env-Ws 405.02 (f) and are used to develop the information reported on the DMRs. Attachment 1 contains a list of the errors noted.
12. NPDES Permit condition Part I.A.1. requires that sampling be performed at both Village and Mill House WWTFs on the following basis: daily for flow rate and pH; one day per week for *Escherichia coli* bacteria (*E.coli*); and one day every two weeks for TSS and BOD. Attachment 1 contains a summary of the missed samples from both WWTFs.
13. For the monitoring period January 2000 through January 2003, the Town failed to collect 1 flow sample at each WWTF.
14. For the monitoring period January 2000 through January 2003, the Town failed to collect 17 pH samples at each WWTF.

15. For the monitoring period January 2000 through January 2003, the Town failed to collect 46 *E.coli* samples at each WWTF.
16. For the monitoring period January 2000 through January 2003, the Town failed to collect 1 TSS sample at each WWTF.
17. For the monitoring period January 2000 through January 2003, the Town failed to collect 1 BOD sample at each WWTF.
18. Pursuant to Env-Ws 405.02 (f) and both the Village and Mill House WWTFs' NPDES Permits conditions Part II. C.1., the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the NPDES Permit.
19. For the monitoring period January 2000 through January 2003, the Town failed to retain all monitoring data records at both WWTFs for the following parameters: flow, pH, and *E.coli*. The Town never created the monitoring records in the first place.
20. For June 2002, no bench sheet was provided for the Mill House WWTF flow data.
21. For the monitoring period January 2000 through January 2003, pH bench sheet data was missing from the Village WWTF records for 11 months. Attachment 1 lists the months of missing data.
22. For the monitoring period January 2000 through January 2003, pH bench sheet data was missing from the Mill House WWTF records for 8 months. Attachment 1 lists the months of missing data.
23. For the monitoring period January 2000 through January 2003, the Town has no bench sheets for *E.coli* samples collected on November 10, 2000 and June 30, 2001 for both WWTFs.
24. For the monitoring period June and July 2000, the Mill House MORs feature identical daily pH readings.
25. NPDES Permit condition Part I.A.1. requires that continuous flow measurement be conducted at both the Village and Mill House WWTFs.
26. For the monitoring period January 2000 through February 2003 at the Mill House WWTF, and from January 2000 through October 2003 at the Village WWTF, the Town did not use a proper flow meter to provide accurate flow information at the WWTFs.
27. As per the Town's June 29, 2003 response to DES's June 20, 2003 Notice of Findings, the Mill House influent flow meter was placed in service on March 25, 2003, the effluent flow meter was placed in service on March 4, 2003. The Town promised to purchase an effluent flow meter for the Village WWTF as soon as the reserve/sewer budget funds permit. To date, there is no continuous effluent flow metering at the Village WWTF.
28. Pursuant to RSA 485-A:8, II, Class B waters shall be of the second highest quality and shall have no objectionable physical characteristics, the pH range for said waters shall be 6.5 to

8.0 except when due to natural causes. Further, Class B waters shall be acceptable for swimming, fishing and other recreational purposes.

29. NPDES Permit condition Part I.D.1. a. requires that the Village and Mill House WWTF's effluent pH range of 6.5 to 8.0 Standard Units (s.u.) be achieved in the final effluent unless the permittee can demonstrate to DES: 1) that the range should be widened due to naturally occurring conditions in the receiving water; or 2) that the naturally occurring receiving water pH is not significantly altered by the permittee's discharge.

30. For the monitoring period January 2000 through September 2003, the Town recorded 1,265 exceedences of the minimum pH permit limits at the Village WWTF.

31. For the monitoring period January 2000 through September 2003, the Town recorded 1,090 exceedences of the minimum pH permit limits at the Mill House WWTF.

32. Pursuant to NH Code of Administrative Rules Env-Ws 901.10 (b), WWTF owner's responsibilities include having a back-up certified operator available to be in responsible charge of a wastewater treatment facility in the absence of the usual certified operator in responsible charge.

33. The Town failed to provide a back-up certified operator available to be in responsible charge of both WWTFs in the absence of the usual certified operator in responsible charge for the period January 3, 2001 through March 17, 2003.

#### **D. DETERMINATION OF VIOLATIONS**

1. The Town violated its NPDES Permits and Env-Ws 405.02 (e) by failing to submit DMRs in a timely manner as described in Paragraphs C.7 and 8 above.

2. The Town violated its NPDES Permits condition Part I.C. and Part II. (j) by failing to submit accurate DMRs as described in Paragraphs C. 9-11 above.

3. The Town violated its NPDES Permits by failing to monitor the parameters specified in Paragraphs C.13 through 17 above at the frequency as specified in Paragraph C.12 above.

4. The Town violated both its NPDES Permits condition Part II C. 1. and Env-Ws 405.02 (f) by failing to retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the NPDES Permit including the following parameters- flow, pH, and *E. coli*.

5. The Town violated its NPDES Permits condition Part I. A.1. by failing to provide the required continuous flow monitoring equipment at both the Village and Mill House WWTFs for the period from January 2000 through February 2003 for the Mill House WWTF, and from January 2000 through October 2003 for the Village WWTF.

6. The Town violated its NPDES Permits by discharging wastewater from both WWTFs that exceeded the lower specified pH limit of 6.5 for the monitoring period January 2000 through September 2003.
7. The Town violated Env-Ws 901.10 (b), Wastewater Treatment Plant Owners Responsibilities, by failing to have a back-up certified operator available to be in responsible charge of both the Village and Mill House WWTFs in the absence of the usual certified operator in responsible charge, for the period January 3, 2001 through March 17, 2003.

#### **E. ORDER**

Based on the above findings and determinations, DES hereby orders the Town and the Town agrees to undertake and complete the following in accordance with the time schedules specified below:

1. **By May 28, 2004**, install and have continuous flow monitoring fully operational at the Village WWTF.
2. **By June 30, 2004**, submit to DES for review and approval a work scope and implementation schedule to address pH violations at both WWTFs. Upon DES approval of the work scope and schedule, the Town shall implement the work scope. The Village WWTF's NPDES Permit condition Part I.D. 1.a. and the Mill House WWTF's NPDES Permit condition Part I.E.2. allow the Town to request a pH adjustment of the NPDES Permit limits to 6.0 to 9.0 s.u. if required criteria are met. DES's procedure for a pH Adjustment Demonstration is included in Attachment 2.
3. **By June 30, 2004**, evaluate and submit a work scope and implementation schedule for rehabilitating the Mill House WWTF sand filter that is exhibiting signs of failure. Upon DES approval of the work scope and schedule, the Town shall implement the work scope.
4. Send all correspondence and all data, reports and other submissions required by this Order to:

Ms. Sharon L. Nall, P.E.  
DES-WD/WWEB  
P.O. Box 95  
Concord, NH 03302-0095

copy to: Ms. Joy Hilton  
USEPA Region 1/Water Technical Unit  
1 Congress St., Suite 1100  
Boston, MA 02114-2023

#### **F. INTERIM LIMITS**

1. Stratford shall meet, at a minimum, the following interim discharge limits **from the effective date of this Order by Consent until complete implementation of the approved**

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Stratford Mill House WWTF

	<u>Minimum</u>	<u>Maximum</u>
pH	6.0	9.0

Stratford Village WWTF

	<u>Minimum</u>	<u>Maximum</u>
pH	5.0	9.0

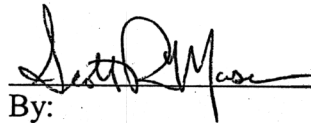
**G. STIPULATED PENALTIES**

1. In accordance with Env-C 603.08(c), beginning with the July 2004 DMR, the Town agrees to pay \$100 for any two consecutive monthly DMR forms that are returned by DES for correction. Payment shall be due without further notice from DES. If the corrected DMRs and payment are not postmarked by the 15<sup>th</sup> of the month following return of the DMRs by DES, the Town agrees to pay \$500. If the corrected DMRs and payment are not postmarked by the last day of the month following the return of the DMRs by DES, the Town agrees to pay \$1000. If the corrected DMRs or penalty is not postmarked within 60 days of the return of the DMRs by DES, the Town agrees to pay \$2,000. These penalties will stay in effect until the work scope required by Paragraph E.2 has been fully implemented and approved by DES.
2. In accordance with Env-C 603.08(c), the Town agrees to pay \$100 for each sample that is not collected at the frequency specified in the NPDES permits. Payment shall be due without further notice from DES. If the payment for missed sampling is not postmarked by the 15<sup>th</sup> day of the month following the missed sampling date(s), the stipulated penalty will increase to \$500.00 per violation. If the payment for missed sampling is not postmarked by the last day of the month following the missed sampling date(s), the stipulated penalty will increase to \$1,000.00 per violation. If the Town fails to pay the stipulated penalty within 60 days of the missed sampling date, the stipulated penalty will increase to \$2,000 per violation. These penalties will stay in effect until the work scope required by Paragraph E.2 has been fully implemented and approved by DES.
3. In accordance with Env-C 603.08(a), the Town agrees to pay \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the Order for each provision of the Order not complied with. The Town must also provide the information as described in Attachment 3, at least 30 days prior to any deadline, if the Town anticipates exceeding the deadline.
4. If stipulated penalties become due, payment shall be submitted to DES with the monthly DMR. Payment shall be in the form of a certified check made payable to the "New Hampshire Water Pollution Control Association" ("NHWPCCA"). Penalty proceeds will be used to purchase equipment for loan to wastewater treatment facilities for compliance assistance and troubleshooting, and for developing and improving training programs for wastewater treatment plant operators. The DMR and any payment shall be mailed to NHDES Water Division, Wastewater Engineering Bureau, Attn: Sharon L. Nall, P.E., P.O. Box 95, Concord, NH 03302-0095.
5. Nothing in this agreement shall be construed to limit DES's ability to take further enforcement against the Town for continued non-compliance, including without limitation, referral to the New Hampshire Department of Justice.

## H. CONSENT AND WAIVER OF APPEAL

1. By executing this Administrative Order by Consent, the Town agrees that this Order shall apply to and be binding upon the Town, its officers, directors, successors and assigns, and agrees that this Order may be entered and enforced by a court of competent jurisdiction.
2. By executing this Administrative Order by Consent, the Town waives any right to appeal this Administrative Order by Consent provided by statute, rule or common law, including without limitation the right to appeal to the Water Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.

### TOWN OF STRATFORD



By:  
Chairman, Board of Selectmen  
Duly Authorized

4/8/04  
Date

### NH DEPARTMENT OF ENVIRONMENTAL SERVICES



Harry T. Stewart, P.E., Director  
Water Division

4/13/04  
Date



Michael P. Nolin, Commissioner

4/15/04  
Date

Attachment: Attachment 1 - Record Review Summary  
Attachment 2 - Procedures for a pH Adjustment Demonstration Project  
Attachment 3 - Time Extension Request Guidelines

cc: Selectmen, Stratford  
Mark Harbaugh, DES Legal Unit  
Joy Hilton, USEPA  
Sharon L. Nall, P.E., NHDES WWEB  
Chester Smart, Stratford WWTF Chief Operator